

U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625-1129

## ENVIRONMENTAL ASSESSMENT

**EA NUMBER:** DOI-BLM-CO-N010-2010-0020-EA

**PERMIT/LEASE/ALLOTMENT NUMBER:** #0501152/04073

**PROJECT NAME:** Ten year renewal of grazing lease #0501152 on the East County Road #7 (#04073) Allotment.

**LEGAL DESCRIPTION:** See allotment map, Attachment 1.

**East County Rd. #7  
#04073**

T8N R91W portions of section 31  
T8N R92W portions of sections 25, 36

531 acres - BLM  
156 acres - Private  
687 acres - Total

**APPLICANT:** John Allen

**PLAN CONFORMANCE REVIEW:** The Proposed Action and Alternatives are subject to the following plan:

Name of Plan: Little Snake Resource Management Plan and Record of Decision

Date Approved: April 26, 1989

**Results:** The Proposed Action is consistent with the Little Snake Resource Management Plan, Record of Decision, Livestock Grazing Management objective to improve range conditions for both wildlife and livestock through proper utilization of key forage plants and adjusting livestock stocking rates as a result of vegetation studies.

The Proposed Action is located within the Eastern Yampa River Management Unit (M.U.1). The management objectives for M.U. 1 are to realize the potential for development of coal, oil and gas resources. Other resource uses/values within this unit are allowed consistent with coal, oil, and gas resource development objectives. Public lands are open to livestock grazing unless coal development is imminent. Range management practices or projects will be permitted consistent with the management objectives for this unit.

The Proposed Action and Alternatives have been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

### **Other Documents:**

The Federal Land Policy and Management Act (FLPMA) of 1976, as amended (43 USC 1752).

Rangeland Reform Final Environmental Impact Statement, December, 1994.

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado, February 12, 1997.

EA#CO-016-LS-99-017, Renewal of the ten-year grazing lease for the Hat Hill (#04050), Sand Spring (#04069), East County Road #7 (#04073), North Sand Spring (#04079) and Boone Gulch (#04080) Allotments.

**NEED FOR PROPOSED ACTION:** The ten year BLM grazing lease #0501152, which authorizes livestock grazing on the East County Road #7 Allotment was due to expire on February 28, 2009. This lease was extended for one year, expiring on February 28, 2010. This extension was issued under the same terms and conditions as the existing lease, in accordance with Section 325, Title III, H.R. 2691, Department of Interior and Related Agencies Appropriations Act, 2004 (P.L. 108-108) while the BLM continues to process the ten year renewal in accordance with all applicable laws and regulations.

Grazing leases and permits are subject to renewal for a period of up to ten years at the discretion of the Secretary of the Interior, who delegated the authority to BLM. The BLM has the authority to renew the livestock grazing permits consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and Little Snake Field Office's *Resource Management Plan/Environmental Impact Statement*. This Plan/EIS has been amended by *Standards for Public Land Health in the State of Colorado*.

In addition to the renewal of the grazing lease, two range improvement projects, the construction of a pit reservoir and the application of an herbicide to reduce the amount of pricklypear cactus, are proposed within the East County Road #7 Allotment to facilitate livestock distribution and management. The proposed projects would also enhance wildlife habitat in the allotment and improve the small riparian area in Sand Gulch.

This Environmental Assessment (EA) will analyze the impacts of livestock grazing on public lands managed by BLM and the impacts of the construction the proposed range improvement projects on public land managed by the BLM. The analysis will recommend terms and conditions to the permit which will improve or maintain public land health. The Proposed Action and alternatives will be assessed for meeting land health standards.

In order to graze livestock on public land, the livestock producer (permittee/lessee) must hold a grazing permit/lease. The grazing permittee/lessee has a preference right to receive the permit/lease

if grazing is to continue. The land use plan allows grazing to continue. This EA will be a site specific analysis to determine if grazing should continue as provided for in the land use plan and to identify the conditions under which it can be renewed.

**PUBLIC SCOPING PROCESS:** The Little Snake Field Office sent out a Notice of Public Scoping in December of 2007, to determine the level of public interest, concern and resource conditions on the grazing permits and leases that were up for renewal in FY2009. A Notice of Public Scoping was posted on the Internet, at the Colorado BLM Home Page, asking for public input on permit/lease renewals. Individual letters were sent to the affected permittees/lessees, informing them their permit/lease was up for renewal and requesting any information they wanted included in or taken into consideration during the renewal process. The issuance of a grazing lease for these allotments has been carefully analyzed within the scope of the specific action being taken, resource issues or concerns, and public input received.

**BACKGROUND:** The East County Road #7 is located approximately 8 miles northwest of Craig, Colorado, in Moffat County. The allotment can be accessed by taking Moffat County Road 7 north from Craig.

The elevation is fairly consistent throughout the allotment at approximately 6,700 feet. The terrain is gently rolling with slopes of 10 – 20%. Mean annual precipitation is 13-15 inches. Surface runoff from the public land drains mostly into Big Gulch to the south of the allotment. The dominant range sites are sandy foothills, rolling loam and deep loam. These range sites typically support Wyoming big sagebrush, needleandthread, Indian ricegrass, western wheatgrass, Nevada bluegrass, bottlebrush squirreltail, prairie Junegrass. Other grasses may include bluebunch wheatgrass, bottlebrush squirreltail, sand dropseed and galleta grass.

The East County Road #7 Allotment is classified as a category C (custodial) allotment, which is defined by the Rangeland Program Summary for the Little Snake Resource Management Plan as an allotment that has low production potential for livestock forage, there are no major resource conflicts or controversy and present management is accomplishing the desired results.

Prior to 1999, the allotment was grazed continuously from 5/1 through 11/1; through the ten year lease renewal process completed in 1999, the season of use was changed.

**MONITORING DATA/ASSESSMENT DATA:** The allotment falls into the Lay Creek Watershed and was assessed during the 2006 Lay Creek Landscape Health Assessment. It was determined that the allotment is meeting all standards.

## **PROPOSED ACTION AND ALTERNATIVES**

**PROPOSED ACTION:** Continue to authorize livestock grazing on the East County Road #7 Allotment by renewing grazing lease #0501152 for a period of ten years, expiring February 28, 2020. Two range improvement projects would be constructed to facilitate improved livestock distribution and enhance wildlife and riparian habitat.

The lease would be renewed as follows:

**From:**

John Allen, #0501152

| Allotment           | Livestock     | Period |       |       |           |
|---------------------|---------------|--------|-------|-------|-----------|
| Name & Number       | Number & Kind | Begin  | End   | %PL   | AUMs      |
| East County Road #7 | 25 Cattle     | 05/01  | 06/30 | 100   | 50        |
| #04073              | 25 Cattle     | 09/25  | 10/31 | 100   | <u>30</u> |
|                     |               |        |       | Total | 80        |

No Special Terms and Conditions

**To:**

John Allen, #0501152

| Allotment           | Livestock     | Period |       |       |           |
|---------------------|---------------|--------|-------|-------|-----------|
| Name & Number       | Number & Kind | Begin  | End   | %PL   | AUMs      |
| East County Road #7 | 25 Cattle     | 05/01  | 06/30 | 100   | 50        |
| #04073              | 25 Cattle     | 09/25  | 10/31 | 100   | <u>30</u> |
|                     |               |        |       | Total | 80        |

No Special Terms and Conditions

The lease would continue to be subject to the Standard and Common Terms and Conditions, see Attachment 2.

In addition to the lease renewal, two new projects are proposed (see Attachment 3 for locations):

Weed control

Approximately 100-150 acres within the East County Road #7 Allotment are dominated by plains pricklypear cactus (*Opuntia polyacantha*). This area would be treated with picloram (trade names Tordon 22K or Outpost 22K). Picloram would be applied to plains prickly pear cactus during the full bloom stage at a rate of 0.25 lbs. acid equivalent/acre. All use of pesticides on public lands will require BLM approval of a Pesticide Use Proposal prior to treatment and would be applied according to the manufacturer's label. See Appendix 4.

The herbicide would be applied using an all-terrain vehicle (ATV) as the treatment area is too small for effective aerial application.

The application of the herbicide would be subject to the following stipulations:

1. Application of the herbicide treatment will occur only when the ground is dry.
2. During application of the proposed herbicide treatment, vehicles will make a single pass therefore reducing the impacts to surface resources.
3. A Class II cultural resource inventory will be conducted through a sample inventory of the herbicide treated areas within two years after the treatment. This survey will occur in areas with a slope of less than 30° with potential for of inventory needed for the entire treated area.

4. No herbicide would be applied within a 10 foot wide buffer zone around the riparian area in Sand Gulch.

#### Pond Construction

The pond would be located in T8N R92W Sec. 36 NENE or NWNE (the location would be finalized after an on-site field visit determines the most suitable spot for the pond) and would disturb approximately 1 acre or less. It would be constructed to BLM specifications by BLM personnel and/or the base property owner/permittee. The pond would capture up to approximately .5 acre foot of water collected as runoff. The dike for the pond would be approximately 100 feet in length and be no taller than 20 feet above the toe of the dam. The downhill side of the dike would be constructed at a 2:1 slope, while the uphill side of the dike would be constructed at a 3:1 slope. The dam would have 4 feet of freeboard from the spillway to the top of the structure to account for settling. See Attachment 3.

The construction of this pond would be subject to the following stipulations:

1. A Class III cultural resource inventory will be conducted within a buffer of 100 ft. around the proposed pit reservoir prior to project implementation.
2. Access to and from the site will be on existing roads or trails. Where cross-country travel is mandatory, the same tracks will be used in and out. While traveling, the dozer blade will be kept up.
3. Top soil will be stockpiled and used to cover the disturbed area to the greatest extent possible.
4. Noxious weeds will be controlled by the permittee on any area disturbed as a result of these projects. Any spraying of weeds will need to be cleared through BLM prior to spraying.
5. No hazardous materials/hazardous waste or trash shall be disposed of on public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately at 970-826-5000.
6. All surface disturbances will be reseeded with native species adapted to the area.
7. No surface disturbing activities between March 1 and June 30 in order to protect breeding and nesting habitats for greater sage-grouse and Columbian sharp-tailed grouse.

**NO ACTION ALTERNATIVE:** No new range improvements would be constructed. Livestock would continue to graze the allotments as permitted in the expiring permit.

#### **ALTERNATIVES CONSIDERED BUT ELIMINATED:**

**No Grazing Alternative:** This alternative would cancel the lease on the allotment. As a result, livestock grazing would cease on the public lands within the allotment. This alternative is

eliminated from analysis in this EA because it would not conform to the RMP/ROD. The RMP/ROD identified livestock grazing as a suitable and appropriate use on the allotment.

**Aerial Application of Herbicide:** This alternative was considered, but ultimately eliminated because of the small area to be treated. A fixed wing aircraft would be unable to execute the tight turns necessary to treat a small area and would not provide the same precision of application as would an applicator on an ATV.

## **AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES**

### **CRITICAL RESOURCES**

#### **AIR QUALITY**

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by either alternative.

Environmental Consequences, Proposed Action: Short term, local impacts to air quality resulting from diesel engine exhaust, other combustible engines and dust from surface disturbing operations would result from other activities proposed. Emissions required to construct a pond and treat the small areas proposed for herbicide application would be very minimal. Use of gasoline and diesel engines would be required to complete these range improvements. The emissions from these activities consist of both gaseous and particulate fractions. Gaseous constituents from diesel engine exhaust include carbon dioxide, carbon monoxide, nitric oxide, nitric dioxide, oxides of sulfur and hydrocarbons. Fine particulates of soot from diesel exhaust and fugitive dust from soils would be localized to the project area. The health effects of these emissions are largely from long-term and occupational exposure in confined areas. Construction of the proposed range improvements and implementation of the proposed vegetation treatments would not adversely affect the regional air quality.

Environmental Consequences, both alternatives: Vehicular access on existing roads for livestock management activities would result in some localized dust from driving on unpaved roads and moving cattle along trails, but this would be negligible compared to dust generated from all vehicle uses in the vicinity. Proper grazing use on the forage resources during the grazing period in the allotment would protect the surface soils from excessive wind erosion.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/09/09

#### **AREA OF CRITICAL ENVIRONMENTAL CONCERN**

Affected Environment: Not present.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/09/09

## CULTURAL RESOURCES

Affected Environment: Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for East County Road #7 Allotment #04073 by Erin M. Parks, Little Snake Field Office Archaeologist on November 23, 2009. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the field office archaeology files.

Data developed here was taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from General Land Office (GLO) maps, BLM land patent records, An Overview of Prehistoric Cultural Resources Little Snake Resource Area, Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and An Isolated Empire, A History of Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Appendix 21 of the Little Snake Resource Management Plan and Environmental Impact Statement, Draft February 1986, Bureau of Land Management, Craig, Colorado District, Little Snake Resource Area.

The table below is based on the allotment specific analysis developed for the East County Road #7 Allotment. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in the allotment.

| Allotment Number | Acres Surveyed at a Class III Level | Acres NOT Surveyed at a Class III Level | Percent of Allotment Inventoried at a Class III Level | Eligible or Need Data Sites- Known in Allotment | Estimated Sites for the Allotment *(total number) | Estimated Eligible or Need Data Sites in the Allotment (number) |
|------------------|-------------------------------------|---|---|---|---|---|
| 04073            | 128.6                               | 374.4                                   | 25.5%   | None  | 14.12   | 4.23  |

\*Estimates of site densities are based on known inventory data. Estimates should be accepted as minimum figures which may be revised upwards based on future inventory findings.

Three cultural resource inventories were conducted within the East County Road #7 Allotment resulting in the complete coverage inventory of 128.6 acres and the recording of no cultural resources. The road that runs through sections 25 and 36 of the allotment is located just outside of the allotment boundary and was previously surveyed and needs no further inventory. The GLO map from 1907 indicates there was a historic road called "Road Jack Rabbit Spring to Craig" that runs roughly parallel but on the east side of the drainage from where the current road exists today.

Based on available data, a low potential for historic properties occurs in the East County Road #7 Allotment. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate; this is anticipated to be around the existing pond and the proposed pond, for an area totaling 58 acres. There are no known eligible or needs data sites therefore, no site monitoring is required. Subsequent field inventory is to be completed within ten year period of the permit.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

Environmental Consequences, Proposed Action: The number of AUMs would remain the same for this lease renewal and there would be no changes to the timing of grazing. There are two range improvements proposed; the construction of a pit reservoir and the application of an herbicide to reduce the amount of pricklypear cactus. The proposed pit reservoir has potential to impact cultural resources but these impacts will be mitigated with a Class III cultural resource inventory and avoidance. There is also potential for impacts to cultural resources with the herbicide treatment, which might decrease the vegetation and therefore increase the visibility of cultural resources. This impact will be mitigated through Class II cultural resource inventory and avoidance.

Environmental Consequences, both alternatives: Direct impacts occur where livestock concentrate; these impacts include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gulying, and increased potential for unlawful collection and vandalism. Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties. Saltblock placement, which creates a concentration area, along roads or anywhere in the allotment would potentially impact historic properties if they are in proximity of the placement.

Mitigation Measures: Adherence to project stipulations. Standard Stipulations for cultural resources are included in the Standard and Common Terms and Conditions of the grazing permit (Attachment #2).

Name of specialist and date: Erin M. Parks & Robyn Watkins Morris, 11/23/09

## **ENVIRONMENTAL JUSTICE**

Affected Environment: The Proposed Action is located in an area of isolated dwellings. Oil & gas development and ranching are the primary economic activities.

Environmental Consequences, both alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.



Mitigative Measures: None.

Name of specialist and date: Louise McMinn, 11/09/09

## **FLOOD PLAINS**

Affected Environment: There are no floodplains on public lands within the East County Road #7 Allotment. The allotment does contain a portion of Sand Gulch which supports a small wetland fed by springs. This wetland becomes dry in July in most years; as such, Sand Gulch does not support a flood plain.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/09/09

## **INVASIVE, NONNATIVE SPECIES**

Affected Environment: Cheatgrass is found on the East County Road #7 Allotment, but in amounts that are acceptable (i.e., it is not in such high amounts that it dominates the plant community nor is it inhibiting the vigor and abundance of native perennial grasses). No other noxious or invasive species are known to exist on the allotment; however invasive, nonnative species are most likely present on the vast acreage of private lands surrounding the allotment. Plains pricklypear cactus is problematic on the allotment; approximately 100 to 150 acres are dominated by the plant. Pricklypear is decreasing the diversity and vigor of other more desirable perennial, herbaceous plants on the allotment. As monitoring continues to detect the presence of invasive weeds within the allotment, the BLM will continue to cooperate with the Moffat County Cooperative Weed Management program to employ the principals of Integrated Pest Management to control noxious weeds on public lands.

Environmental Consequences, Proposed Action: Implementation of the Proposed Action would lead to the reduction of pricklypear cactus. Areas dominated by pricklypear cactus would be treated with picloram which would reduce both pricklypear and other broad-leafed weeds.

Constructing the pit pond would cause concentrated use by livestock in the area around the new water development, but the area would not harbor vigorous populations of weed species due to the physical trampling that would occur. Some increase in annual invasive plants could occur for a short distance radiating from the water development due to the diminished character of the native plant community. Proper grazing use by cattle (utilization levels of <50%) would maintain a resilient native plant community that can occupy bare soils and resist invasive and noxious weed establishment.

Continued vehicular access to public lands for dispersed recreation and grazing operations, livestock and wildlife movement, as well as wind and water, can cause weeds to spread into new areas. Surface disturbance due to livestock concentration and human activities associated with grazing operations can also increase weed presence. Increased vigilance on the part of the lessee

would be critical for the detection of noxious weeds; once they are detected they can be controlled with various integrated pest management techniques. Land practices and land uses by the livestock operator and their weed control efforts would largely determine the identification and potential occurrence of weeds within the allotment.

Environmental Consequences, No Action: Under this alternative weeds could be treated under the cooperative agreement between BLM and Moffat County. The priority and intensity of the treatment would likely be lower under this alternative and the infestation of pricklypear cactus would persist.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/10/09

## **MIGRATORY BIRDS**

Affected Environment: The East County Road #7 Allotment provides potential nesting habitat for Brewers sparrow and sage sparrow. Both species are listed on the USFWS 2008 Birds of Conservation Concern List.

Environmental Consequences, Proposed Action: The continuation of livestock grazing as proposed would not result in negative impact to either of these species nesting habitats. Because these are ground nesting birds, it is possible that livestock could destroy a Brewer's sparrow or sage sparrow nest on occasion; this would result in a short term negative impact by reducing nesting success. There is a slight chance for take to occur of Brewer's sparrow and sage sparrow by authorizing livestock grazing on the East County Road #7 Allotment, however, this is not likely to have any impact on either species populations.

The development of the new pit pond and the proposed herbicide treatment would not have a negative impact on either species due to the timing restrictions which are in place for greater sage-grouse nesting habitat. The development of the pit pond would result in improved livestock distribution and utilization and the herbicide treatment of pricklypear cactus would result in improved diversity and composition of vegetation within the treated area.

Environmental Consequences, No Action: The No Action alternative would allow for continued livestock grazing under the existing grazing system. The chance of nests being trampled by livestock would still remain; nesting habitat would not improve under this alternative.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 12/02/09

## **NATIVE AMERICAN CONCERNS**

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 5, 2008. The letter listed the FY08 and FY09 projects that the BLM would notify them on and projects that would not require notification. A follow-up phone call was performed on June 16, 2008. No comments were received (letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 11/23/09

## **PRIME & UNIQUE FARMLANDS**

Affected Environment: There are no Prime and Unique Farmlands present within the allotment.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/09/09

## **T&E AND SENSITIVE ANIMALS**

Affected Environment: There are no threatened or endangered species or habitats for such species present within the East County Road # 7 Allotment. This allotment does provide nesting habitat for greater sage-grouse, a BLM special status species. The nearest known lek is located over a mile from the allotment boundary. Annual lek counts show that this lek was only active once in the last ten years with a high male count of five.

Environmental Consequences, Proposed Action: The proposed grazing system along with the development of the new pit pond would improve both livestock distribution and vegetation utilization. The construction of the pit pond would result in the short term loss of less than 1 acre of nesting habitat. Once the pond has filled with water and the disturbance has revegetated, habitat conditions would likely improve.

The application of the herbicide would result in the reduction of pricklypear cactus but would also result in decreased forb production in treated areas. This impact would be short term lasting no more than one growing season. After the first year, diversity and composition of vegetation would improve within the treated area; this would result in improved nesting habitat for greater sage-grouse.

Timing restrictions in place to protect greater sage-grouse during their nesting season would ensure birds nesting within this allotment are not disturbed by the construction of the pit pond or the herbicide treatment.

Environmental Consequences, No Action: Under this alternative, livestock grazing would continue under the existing grazing system. The proposed pit pond development and the treatment of pricklypear cactus would not be permitted. Livestock distribution would remain limited and habitat conditions for greater sage-grouse would not improve.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 12/02/09

## **T&E AND SENSITIVE PLANTS**

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present on the East County Road #7 Allotment.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Hunter Seim, 11/10/09

## **WASTES, HAZARDOUS OR SOLID**

Affected Environment: There are no hazardous materials present on the allotment.

Environmental Consequences, both alternatives: Potential releases of hazardous materials could occur during vehicular access for livestock management operations and recreational uses such as hunting and camping. Coolant, oil, and fuel are materials that could potentially be released. Due to the limited amount of vehicular activity that would be required, the potential for releases of any of these materials is low and if a release were to occur, it would be minimal and highly localized and not result in an adverse impact to the allotment.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/09/09

## **WATER QUALITY – GROUND**

Affected Environment: The surface formation is the Tertiary Brown's Park, a sedimentary and volcanic formation up to 1,500 ft. thick, that contains potable water. The surface soils are sandy loam and colluvium derived from sandstone, with moderately slow to moderate permeability. The depths to fresh water in wells within the area range from 60 ft. to 200 ft.

Environmental Consequences, Proposed Action: The movement of picloram is generally restricted to the upper two to four feet of the soil profile. This restricted movement is due to picloram's ability to adhere to organic matter and to clay particles. However, in sandy soils low in organic matter, further downward movement can occur. For this reason, a groundwater

advisory statement on the label advises users not to apply products containing picloram on sites with permeable soils or fractured bedrock, particularly where the water table is shallow (less than six feet). Although the soils are permeable in the proposed application area, the depth to ground water is greater than six feet; therefore, there would be no impacts to ground water quality under the Proposed Action.

Neither the construction of a new pit pond nor the continuation of livestock grazing as proposed would affect on ground water quality.

Environmental Consequences, No Action: Continuation of livestock grazing would have no affect on ground water quality.

Mitigative Measures: None.

Name of specialist and date: Jennifer Maiolo, 11/19/2009

## **WATER QUALITY - SURFACE**

Affected Environment: The allotment is drained by Sand Gulch which is an ephemeral tributary to Big Gulch. Big Gulch flows into Lay Creek and Lay Creek joins the Yampa River near the mouth of Juniper Canyon. These tributaries to the Yampa River need to have water quality that will support Aquatic Life Warm 2, Recreation 2 and Agriculture. The tributary streams within this segment are designated use protected; “higher” use classifications would not be expected for these tributary stream segments in the future.

Environmental Consequences, Proposed Action: Controlling the pricklypear cactus within the allotment and improving the density and vigor of native perennial plant species would improve the ability of the upland plant communities continue to provide the plant abundance, species diversity, and soil cover necessary to protect the local watershed. Picloram would be applied according to the manufacturer’s label and all precautions, including buffer zones around surface water, would be followed.

Grazing use of the allotment would not impair water quality. Water quality would continue to support the present classified uses.

Environmental Consequences, No Action: Grazing use of the allotment would not impair water quality under the No Action alternative. Water quality would continue to support the present classified uses.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/10/09

## **WETLANDS/RIPARIAN ZONES**

Affected Environment: Sand Gulch contains a small wetland draw that was assessed as a lentic system concurrently with the Lay Creek Landscape Health Assessment in the East County

Road #7 Allotment in 2006. The upper part of the draw near a spring source is much wetter than downstream, where it becomes marginal mainly due to the limited amount of water, although this is compounded by sandy textured soils in places. Water does seep into the system in places downstream, but it was apparently much drier in 2006 than previous years. In these areas Nebraska sedge and Baltic rush are established, and the soil substrate has more fine textures and is more compacted. A deep cow trail exists within the middle of the wetland draw on the upper end, which is vegetated with Nebraska sedge on the bottom of the trail. The sides of the cow trail are well vegetated with Nebraska sedge and Baltic rush. According to the grazing lessee, the draw has been in the same condition for many years. Sand Gulch is functioning at risk with no apparent trend.

Environmental Consequences, Proposed Action: The construction of a new pit reservoir would help draw cattle off of the riparian vegetation during the growing season. With less use, the cattle trail may become more vegetated and fill in lessening the chance that the wetland area is being drained by the trail.

Picloram is not labeled for wetland use and therefore a buffer zone would be placed around the riparian area. This buffer zone would be 25 feet wide for application by vehicle and 10 feet wide if applied by hand. There would be no impacts to the wetland area from the application of picloram.

Environmental Consequences, No Action: Under the No Action Alternative, no range improvements would be constructed. Grazing would continue as authorized under the previous ten year grazing lease. The riparian area associated with Sand Gulch would remain in its current condition.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/10/09

## **WILD & SCENIC RIVERS**

Affected Environment: Not present.

Environmental Consequences, both alternatives: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Gina Robison, 11/10/09

## **WILDERNESS, WSAs**

Affected Environment: Not present.

Environmental Consequences, both alternatives: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Gina Robison, 11/10/09

## **NON-CRITICAL ELEMENTS**

### **RANGE MANAGEMENT**

Affected Environment: The current grazing lease authorizes 25 head of cattle for two use periods: May 1 through June 30 and September 25 through October 31, for a total of 80 AUMs. The allotment is not being utilized by livestock as efficiently as it could be due to the high amounts of pricklypear. According to studies, dense stands of pricklypear can interfere with handling and movement of livestock, utilization of forage by livestock and compete with desirable forage plants. Studies show that spines cause bacterial infection in the mouths and gastrointestinal tracts of livestock and the seeds cause rumen impaction.

Environmental Consequences, Proposed Action: Reducing the amount of pricklypear cactus would alleviate the problems associated with livestock management listed above. It would result in a better distribution of cattle as they would no longer tend to avoid the areas most heavily infested. The creation of a new water source would also change livestock distribution, pulling use away from the small wetland area and to the area near the new water source.

Environmental Consequences, No Action: A new water source would not be constructed and pricklypear cactus would not be sprayed under this alternative. There would be no impacts to current livestock management; however, if the pricklypear cactus continues to spread, it may render the allotment useless for livestock grazing. This possible long term consequence would be a serious negative impact to the grazing lessee.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 11/10/09

## **SOILS**

Affected Environment: The East County Road #7 Allotment contains the following soils:

| <b>Soil Mapping Unit<sup>1</sup></b>  | <b>Map Unit Setting</b>   | <b>Descriptions</b>  | <b>Ecological Site</b> |
|---|---|--|------------------------|
| 12 - Berlake sandy loam, 3 to 12 percent slopes<br><br>94 acres   | <i>Major Land Resource</i><br><i>Area:</i> 34<br><i>Elevation:</i> 6,200 to 7,200 feet (1,890 to 2,195 meters)<br><i>Mean annual precip:</i> 13 to 15 "<br><i>Mean annual air temp:</i> 42 to 45 degrees F.<br><i>Freeze-Free Period:</i> 75 to 95 days | <i>Landforms:</i> Alluvial fans, hillslopes<br><i>Drainage Class:</i> Well drained<br><i>Slowest permeability:</i> .06 to 2.0 in./hour (moderate)<br><i>Available water capacity:</i> 5.7" (low)<br><i>Runoff class:</i> Medium            | Sandy foothills        |
| 47 - Coyet-Crestman, moist complex, 20 to 50 percent slopes<br><br>154 acres                                | <i>Major Land Resource</i><br><i>Area:</i> 34<br><i>Elevation:</i> 6,000 to 7,200'<br><i>Mean annual precip:</i> 13 to 14"<br><i>Mean Annual Air Temp:</i> 42 to 45°F<br><i>Freeze-Free Period:</i> 75 to 95 days                                       | <i>Landform:</i> Hillslopes<br><i>Drainage Class:</i> Excessively drained<br><i>Slowest permeability:</i> 2.0 to 6.0 in./hr. (moderately rapid)<br><i>Available water capacity:</i> 4.1" (low)<br><i>Runoff class:</i> Medium              | Sandy foothills        |
| 106 - Ironsprings loamy sand, 15 to 30 percent slopes<br><br>61 acres                                       | <i>Major Land Resource</i><br><i>Area:</i> 34<br><i>Elevation:</i> 6,200 to 7,200'<br><i>Mean annual precip:</i> 13 to 15"<br><i>Mean annual air temp:</i> 42 to 45°F<br><i>Freeze-free period:</i> 75 to 95 days                                       | <i>Landform:</i> Hillslopes<br><i>Drainage class:</i> Somewhat excessively drained<br><i>Slowest permeability:</i> 2.0 to 6.0 in./hr. (moderately rapid)<br><i>Available water capacity:</i> 4.9" (low)<br><i>Runoff class:</i> Medium     | Deep loam              |
| 162 - Rock River sandy loam, 3 to 12 percent slopes<br><br>100 acres  | <i>Major Land Resource</i><br><i>Area:</i> 34<br><i>Elevation:</i> 6,200' to 7,200'<br><i>Mean annual precip:</i> 11 to 13"<br><i>Mean annual air temp:</i> 42 to 45°F<br><i>Freeze-free period:</i> 75 to 95 days                                      | <i>Landform:</i> Alluvial fans, benches, hillslopes<br><i>Drainage class:</i> Well drained<br><i>Slowest permeability:</i> .6 to 2.0 in./hr. (moderate)<br><i>Available water capacity:</i> 7.5" (moderate)<br><i>Runoff class:</i> medium | Rolling loam           |
| 163 - Rock river sandy loam, 12 to 25 percent slopes<br><br>64 acres  | <i>Major Land Resource</i><br><i>Area:</i> 34<br><i>Elevation:</i> 6,200 to 7,300'<br><i>Mean annual precip:</i> 11 to 13"<br><i>Mean annual air temp:</i> 42 to 45°F<br><i>Freeze-free period:</i> 75 to 95 days                                       | <i>Landform:</i> Hillslopes<br><i>Available water capacity:</i> 7.5"( moderate)<br><i>Drainage class:</i> Well drained<br><i>Slowest permeability:</i> .6 to 2.0 in./hr. (moderate)<br><i>Runoff class:</i> Medium                         | Rolling loam           |
| <sup>1</sup> Soils with combined acreages less than 25 acres were not included in the affected environment. |   |  |                        |

Environmental Consequences, Proposed Action: Soil compaction and depleted soil cover are the most obvious impacts incurred as a result of livestock grazing. Soil compaction may occur in areas where livestock concentrate and during times when the soils are wet. The 50% utilization objective would ensure that the residual cover and litter remaining at the end of the



grazing season is adequate to enhance on-site nutrient cycling and enhance the ability of the sites to resist erosion. Pond construction would cause less than one acre of disturbance to the soil resource and would benefit the wetland soil resource by improving livestock distribution and reducing the potential overuse of the vegetative resource that provides soil cover and reduces potential erosion.

Environmental Consequences, No Action: Livestock grazing would continue as authorized under the previous ten year grazing lease. Without the additional water source, cattle trailing would continue along Sand Gulch leading to increased erosion.

Mitigative Measures: None.

Name of Specialist and date: Kathy McKinstry, 12/01/09

## **UPLAND VEGETATION**

Affected Environment: The allotment contains three range sites: rolling loam, sandy foothills and deep loam. Each of these range sites supports a big sagebrush-perennial grass community. Common grass species are needleandthread, western wheatgrass, muttongrass, prairie junegrass, bluebunch wheatgrass, Indian ricegrass, Sandberg bluegrass, bottlebrush squirreltail and Nevada bluegrass. The major forbs are tapertip hawksbeard, scarlet globemallow, arrowleaf balsamroot, Fremont penstemon, nuttall larkspur, longleaf phlox, hollyleafclover, mountain bluebells, rose gilia, trailing fleabane, and silvery lupine. Mountain big sagebrush, Wyoming big sagebrush, low rabbitbrush, broom snakeweed, Saskatoon serviceberry, and mountain snowberry are the main shrubs. As described in other sections above, much of the allotment is dominated by plains pricklypear cactus. The high amounts of pricklypear found in the allotment are decreasing the diversity and vigor of other more desirable perennial, herbaceous plants on the allotment.

Environmental Consequences, Proposed Action: Applying picloram at the recommended rate at the recommended time would significantly reduce the cactus cover in the allotment and have no affect on the production of perennial grasses. The application of picloram would also reduce production on forb-dominated areas, and this impact could last as long as one growing season after application. Once the cover of pricklypear cactus is reduced, the diversity and composition of other more desirable native species would increase and overall vegetative health would improve. The addition of a new water source would improve livestock distribution and create a more even utilization pattern. Vegetation would be removed from less than one acre for the construction of the pond; however, the disturbed area would be re-seeded with a mix of native perennial grasses to speed up the revegetation process.

Environmental Consequences, No Action: This alternative would allow for continued grazing by cattle during the existing season of use. Herbicide would not be applied to control plains pricklypear cactus. Under this alternative, this plant would continue to spread and may eventually render the allotment useless for livestock grazing and would decrease the value of the allotment as wildlife habitat. Vegetative diversity and composition would continue to be sub-standard.

Mitigative Measures: None.

Name of specialist and date: Kathy McKinstry, 12/01/09

### **WILDLIFE, AQUATIC**

Affected Environment: There is no aquatic wildlife habitat within this allotment.

Environmental Consequences, both alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 12/02/09

### **WILDLIFE, TERRESTRIAL**

Affected Environment: The East County Road #7 Allotment provides year round habitat for mule deer, pronghorn antelope and elk, including severe winter habitat for elk. A variety of small mammals, songbirds and reptiles may be found within this allotment at various times of the year as well.

Environmental Consequences, Proposed Action: Livestock grazing would continue to follow the existing grazing system. The proposed development of a new pit pond would improve livestock distribution and would result in more even vegetation utilization. The application of picloram to kill pricklypear cactus would reduce the amount pricklypear cactus in treated areas. The herbicide treatment would also result in a short term decrease in production of all forbs; however this affect would most likely only last for one growing season. After the first growing season after the initial application of picloram, diversity and composition of vegetation would improve within the treated area; this would result in improved habitat conditions for wildlife species.

Environmental Consequences, No Action: Under this alternative, livestock grazing would continue under the existing grazing system. The proposed pit pond and the herbicide treatment would not be permitted. Wildlife habitat would not improve under this alternative.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 12/02/09

**OTHER NON-CRITICAL ELEMENTS:** For the following elements, those brought forward for analysis will be formatted as shown above.

| Non-Critical Element    | NA or Not Present | Applicable or Present, No Impact | Applicable & Present and Brought Forward for Analysis |
|-------------------------|-------------------|----------------------------------|---|
| Fluid Minerals          |                   | EMO 12/01/09                     |   |
| Forest Management       | KLM 11/10/09      |                                  |   |
| Hydrology/Ground        |                   |                                  | JAM 11/19/09  |
| Hydrology/Surface       |                   | KLM 12/01/09                     |   |
| Paleontology            |                   | EMO 12/01/09                     |   |
| Range Management        |                   |                                  | KLM 11/10/09  |
| Realty Authorizations   |                   | LM 11/10/09                      |   |
| Recreation/Travel Mgmt  |                   | GMR 11/10/09                     |   |
| Socio-Economics         |                   | LM 11/10/09                      |   |
| Solid Minerals          |                   | JAM 11/12/09                     |   |
| Visual Resources        |                   | GMR 11/10/09                     |   |
| Wild Horse & Burro Mgmt | KLM 11/09/09      |                                  |   |

**CUMULATIVE IMPACTS SUMMARY:** The allotment and the surrounding area has historically been grazed by both sheep and cattle. Numerous maintained and un-maintained roads exist throughout the area, including on the allotment. These roads are used regularly by local residents and ranchers as well as by hunters, the primary recreation users in the area. Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. Oil and gas development has increased in the area. The primary impacts from all of these activities are most immediately seen in the presence of roads, increased vehicular traffic, cultivation on private lands, and weed presence. The Proposed Action to continue grazing on this allotment is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

## **STANDARDS**

**PLANT AND ANIMAL COMMUNITY (animal) STANDARD:** The East County Road #7 Allotment currently provides suitable habitat for a variety of big game, small mammals, songbirds and reptiles. Under the Proposed Action, the grazing system and the development of a new pit pond and herbicide treatment of pricklypear cactus would result in improved habitat conditions. The Proposed Action would allow this standard to be met in the future. The No Action Alternative would allow for livestock grazing consistent with the current grazing system. This Alternative would not allow for the development of the pit pond or the treatment of pricklypear cactus. It is unlikely that habitat conditions would improve under this alternative. This standard would not be met under the No Action Alternative.

Name of specialist and date: Timothy Novotny, 12/02/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:** There are no threatened or endangered species or habitats for such species present within the East County Road #7 Allotment. This allotment does provide nesting habitat

for greater sage-grouse, a BLM special status species and Brewers sparrow and sage sparrow, both species are listed on the USFWS 2008 Birds of Conservation Concern List. Livestock may occasionally destroy the nests of these birds under either the Proposed Action or the No Action Alternative. The No Action Alternative would not allow the herbicide treatment of pricklypear cactus or the development of a new pit pond. Both projects are intended to improve vegetative conditions within this allotment and improve nesting habitat for greater sage-grouse in the future. The Proposed Action would improve habitat conditions and allow this standard to be met in the future. The No Action Alternative would not result in improved habitat conditions and this standard may not be met in the future.

Name of specialist and date: Timothy Novotny, 12/2/09

**PLANT AND ANIMAL COMMUNITY (plant) STANDARD:** The East County Road #7 Allotment is currently meeting all of the standards with respect to species diversity, density and production, age class, structure, vigor and presence of non-native or noxious plants. The high amount of pricklypear found in the allotment is decreasing the diversity and vigor of other more desirable perennial, herbaceous plants. If left untreated, the pricklypear may cause the allotment to fail this standard in the future.

Name of specialist and date: Kathy McKinstry, 12/02/09

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD:** There are no federally listed threatened or endangered or BLM sensitive plant species present on the East County Road #7 Allotment. This standard does not apply.

Name of specialist and date: Hunter Seim, 11/10/09

**RIPARIAN SYSTEMS STANDARD:** The riparian standard is currently met. There is one small wetland system within the East County Road #7 Allotment which is functioning at risk with no apparently trend. The implementation of the Proposed Action would help draw livestock away from this wetland allowing for riparian conditions to improve within the gulch. Under the No Action Alternative, this standard would continue to be met, however, continued monitoring would be necessary to determine trend of the health of the riparian area.

Name of specialist and date: Kathy McKinstry, 12/02/09

**WATER QUALITY STANDARD:** The water quality standard is presently being met for the East County Road #7 Allotment. Runoff waters from snowmelt and rain drain from this allotment into stream segments that are presently supporting classified uses. No stream segments or tributaries are currently listed or have ever been listed as having impaired water quality. Implementation of best management practices which are required on BLM use authorizations would help to reduce non-point contaminants generated within the landscape and carried to the Yampa River by its tributaries.

Name of specialist and date: Kathy McKinstry, 12/02/09

**UPLAND SOILS STANDARD:** The upland soil health standard is currently being met in the East County Road #7 Allotment and would continue to be met under either alternative.

Name of specialist and date: Kathy McKinstry, 12/02/09

**PERSONS/AGENCIES CONSULTED:** Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, James Allen.

**ATTACHMENTS:**

Attachment 1- Allotment Map

Attachment 2- Standard and Common Terms and Conditions

Attachment 3 - Typical Water Retention Pit

Attachment 4 – BLM LSFO PUP Stipulations

**SIGNATURE OF PREPARER:**

**DATE SIGNED:**

**SIGNATURE OF ENVIRONMENTAL REVIEWER:**

**DATE SIGNED:**

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

Based on the analysis of potential environmental impacts contained in DOI-BLM-CO-N010-2010-0020 and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Field Office jurisdiction and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

**SIGNATURE OF AUTHORIZED OFFICIAL:**

**DATE SIGNED:**

**Attachment 2**  
**DOI-BLM-CO-N010-2010-0020**  
**Standard Terms and Conditions**

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
  - a. Non compliance by the permittee/lessee with rules and regulations;
  - b. Loss of control by the permittee/lessee of all or part of the property upon which it is based;
  - c. A transfer of grazing preference by the permittee/lessee to another party;
  - d. A decrease in the lands administered by the Bureau of Land Management within the allotments(s) described;
  - e. Repeated willful unauthorized grazing use;
  - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit of lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
- 10) Grazing fee payments are due on the due date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.

- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

### **Common Terms and Conditions**

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing



activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days, the authorized officer will inform the operator as to:

- whether the materials appear to be eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

**Attachment #4**  
**DOI-BLM-CO-N010-2010-0020 EA**  
**BLM LSFO PUP Stipulations**

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**General Stipulations:**

- All herbicide treatments on BLM administered lands will comply with applicable federal and state statutory and regulatory requirements.
  - Manufacturers label directions and guidelines, including but not limited to, application rates, uses, handling instructions, storage and disposal requirements, will be followed
  - All BLM procedures (BLM Handbook H-9011-1 Chemical Pest Control) and Manuals 1112 Safety, 9011 Chemical Pest Control, and 9015 Integrated Weed Management, and any other BLM requirements will be followed. Where more restrictive, BLMs requirements for rates, uses, and handling instructions will apply.
  - Only certified applicators, or those directly supervised by a certified applicator, may apply herbicide on BLM administered public lands.
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To ensure that risks to human health and the environment from herbicide treatments are kept to a minimum, and that all practicable means to avoid or minimize environmental harm have been adopted, the following will apply:

- All herbicide treatments will be consistent with the Standard Operating Procedures (SOPs) presented in the ROD of the 2007 Final *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS).
  - Measures to mitigate potential adverse environmental effects as a result of herbicide treatments as found in the ROD of the PEIS.
  - All conservation measures, designed to protect plants and animals listed or proposed for listing as threatened or endangered under the Endangered Species Act, as found in the Biological Assessment of the PEIS.
- 

**Cultural Resources Discovery**

The applicator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000.

Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.